IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Crl.Rev.Pet.No. 4138 of 2006()

CRA.157/2002 of ADDL.SESSIONS COURT, PARAVUR
CC.92/1998 of JUDL.MAGISTRATE OF FIRST CLASS-I, ALUVA

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REVN. PETITIONER/APPELLANT/ACCUSED:

M.A.SULFATH, THOTTATHIL CHIRA
CHALIKAVATTOM
NEAR DHANYA AYUREDIC HOSPITAL
VENNALA P.O., ERNAKULAM.

BY ADV. SRI.RAJESH VIJAYAN

RESPONDENTS/COMPLAINANAT:

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1. P.O. HARIDAS, PALATHINGAL HOUSE
ANAMALA ROAD, KOODAPUZHA, CHALAKUDY

2. STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY ADV. SRI.R.RAJASEKHARAN NAIR
SRI.ESM.KABEER
BY GOVT. PLEADER SRI.KAMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4138 of 2006

Dated this the 24th day of November, 2006

ORDER

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and she was sentenced to undergo simple imprisonment for a period of three months. The petitioner challenged the conviction and sentence in appeal. The appellate court confirmed the conviction and sentence.

2. Crl.M.A.No.11915/2006 was filed under Section 147 of the Negotiable Instruments Act to compound the offence. It is stated therein that the matter was settled between the parties and the entire amount due to the complainant was received by him. The application for compounding was allowed.

In the result, the Crl. R.P. is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K.T.SANKARAN,
JUDGE

csl

K.T.SANKARAN, J

Crl.M.A.No. 11915 of 2006

in

Crl. R.P. No. 4138 of 2006

Dated this the 24th day of November, 2006

ORDER

This is an application under Section 147 of the Negotiable Instruments Act seeking leave to compound the offence under Section 138 of the Negotiable Instruments Act. The revision petitioner/accused is undergoing imprisonment. The application is signed on behalf of her by her counsel. The first respondent/complainant has put his signature in the application and his counsel who has appeared in this revision has also put his signature. The application is therefore allowed.

K.T.SANKARAN,
JUDGE

csl

K.T.SANKARAN, J

Crl.M.A.No. 11885 of 2006

in

Crl. R.P. No. 4138 of 2006

Dated this the 24th day of November, 2006

ORDER

This is an application for condonation of delay of 1154 days in filing the revision. The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and she was sentenced to undergo imprisonment. It is stated in the affidavit that she is a widow and a poor lady. At present she is undergoing imprisonment. Crl.M.A.No.11915/2006 was filed to compound the offence. In this circumstances, the delay is condoned. Number the Crl.R.P.

K.T.SANKARAN,
JUDGE

csl